



A12 Chelmsford to
A120 Widening Scheme
National Infrastructure
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To Tracey Harvey
National Highways

Your Ref:

Our Ref: TR010060

Date: 06 April 2023

Dear Ms Harvey

Planning Act 2008 – section 89

Application by National Highways for an Order Granting Development Consent for the A12 Chelmsford to A120 Widening Scheme

Notice by Applicant of intention to submit a request for changes to the application

Thank you for your letter dated 30 March 2023 giving notice of National Highways' intention to submit a request for changes to the application. This letter was amended and re-submitted on 5 April 2023 to correct an error in relation to the date upon which consultation on the proposed changes would commence.

The document has been published on the project webpage of the National Infrastructure Website here:

[Notification of upcoming Change request from the Applicant](#)

The letter forms part of the change request recommended procedures as set out in the Planning Inspectorate's '[Advice Note 16: Requests to change applications after they have been accepted for examination](#)' Version 3 (March 2023) (AN16).

The letter provides a description of the changes to the Proposed Development and confirms that they do not require the acquisition of additional land. The letter confirms that, whilst the proposed changes may alter the purpose for which compulsory acquisition is proposed, there are no new instances of plots previously required for new rights and/or temporary powers that are now required on a freehold basis.

The Examining Authority (ExA) notes that the Applicant intends to carry out non-statutory consultation prior to making the formal change request and has provided a method of

consultation for each proposed change. The Applicant proposes that non-statutory consultation on the changes and updated environmental information would commence on 14 April 2023 (as clarified in your amended letter of 5 April 2023), and last for a total of 30 days, closing on 14 May 2023. Consultation would be via a consultation brochure, alongside principal Application documents requiring amendment. Consultation documents would be available electronically, with hard copies available on request.

It is the Applicant's intention to have due regard to all relevant responses to the consultation which concern the proposed amendments and submit a consultation brochure outlining the outcome of the consultation and confirmation of who was consulted and who has responded, with its formal change request to the ExA. In the indicative timetable contained in your letter, you propose that the change request would be formally made on Tuesday 30 May 2023.

The Applicant's notification of proposed changes contained in the above-mentioned documents satisfies Step 1 of the recommended procedure in AN16. The advice which the Applicant is requesting from the ExA, in line with Step 2 of AN16, includes the procedural implications of the proposed changes and guidance on the need, scope and nature of the consultation that the Applicant proposes to undertake.

Materiality of the proposed changes

In the Applicant's view the proposed changes are not material. It is ultimately for the ExA to decide whether or not a proposed change is material. However, the ExA does not, at this stage, have sufficient information to reach a conclusive view as to materiality, mainly because it has not been possible yet to determine whether the proposed changes will generate new or materially different environmental effects.

Consultation

The ExA has no comments to make on either the indicative programme or on the proposed method of consultation as set out in your letter of 5 April 2023.

When submitting the change request, it is recommended that you submit a statement encompassing a non-statutory consultation report setting out the detail and methodology of the undertaken consultation. Subject to the comments we have made, the scope of consultation activities set out in the method statement appears to be a suitable basis for the non-statutory consultation. Please ensure that consultation responses are sent directly to the Applicant and not to the Planning Inspectorate.

The ExA would also advise that updated documents submitted with the formal change request in accordance with AN16 should include both clean and tracked changed versions, and also include a full Schedule of Changes (as indicated in Figure 2b of AN16) and an updated Guide to the Application. If the ExA decides to accept the proposed changes into the Examination (irrespective of whether or not they are material) all Interested Parties will have an opportunity to make representations on the changed application, in writing or orally at hearings.

Effect on Examination Timetable

On the assumption that the documentation and change requests are submitted in line with the timetable set out by the Applicant in the letter of 5 April 2023, then the ExA does not anticipate that this will have any effect on the overall timetable for the Examination. However, should any submission not be made in line with that timetable, then the Applicant is asked to give an indication as to how it considers the request can be accommodated within the Examination Timetable.

Next Steps

The Applicant is asked to ensure that the change request that is intended to be submitted responds fully to the points made above and contains sufficient information to enable the ExA to prepare further questions, if necessary.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided at the top of this letter.

Yours sincerely,

Adrian Hunter

Adrian Hunter
Lead Member of the Panel of Examining Inspectors

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